

1 TOWNSEND AND TOWNSEND AND CREW LLP  
 2 GREGORY S. GILCHRIST (SBN 111536); *gsgilchrist@townsend.com*  
 3 VERONICA BESMER (SBN 246560); *vbesmer@townsend.com*  
 Two Embarcadero Center, Eighth Floor  
 San Francisco, CA 94111  
 Telephone: (415) 576-0200  
 Facsimile: (415) 576-0300

5 Attorneys for Plaintiff  
 WILLIAMS-SONOMA, INC.

7 LAW OFFICES OF JOHN H. MITCHELL  
 John H. Mitchell (SBN 41489); *johnmitchell@ yahoo.com*  
 8 600 South Main Street, Suite 900  
 Orange, California 92868  
 9 Telephone: (714) 972-9000  
 Facsimile: (714) 972-9299

10 Attorneys for Defendants  
 11 URBANISM, INC.;  
 12 STEPHANIE LAMONS

14 UNITED STATES DISTRICT COURT

15 FOR THE NORTHERN DISTRICT OF CALIFORNIA

16 SAN FRANCISCO DIVISION

17 WILLIAMS-SONOMA, INC., a California  
 corporation,

Case No. C-07-04017 JSW

18 Plaintiff,  
 19 v.  
 20 COCOON FURNISHINGS, INC., a California  
 corporation; STEPHANIE LAMONS,  
 individually and doing business as  
 22 URBANISM, INC., a California corporation.

**JOINT STIPULATION AND [PROPOSED]  
 ORDER CONTINUING DEADLINES FOR  
 CLOSE OF DISCOVERY AND EXPERT  
 DISCLOSURE**

23 Defendants.

25 The parties previously stipulated to continue certain dates in the Court's Scheduling Order due  
 26 to difficulties in scheduling mediation. Since that time, settlement negotiations have progressed to the  
 27 point where plaintiff has submitted a settlement demand that defendants consider reasonable and is  
 28 therefore likely to settle the case.

1 An issue of potential insurance coverage recently arose. Defendants previously tendered this  
 2 matter to one of their insurers, which denied their claim for coverage at least in part on the grounds  
 3 that the policy did not cover the relevant time period. Based on that denial, defendants recently  
 4 tendered to a different insurer that provided coverage for what defendants believe is the correct time  
 5 period. The insurer has not yet responded to the recent tender.

6 Defendants risk vitiating their potential coverage if they accept plaintiff's settlement proposal  
 7 before the coverage issue is resolved. It is defendants' understanding that if they accept plaintiff's  
 8 settlement proposal before the insurer makes a coverage decision, that acceptance might vitiate  
 9 coverage based on "voluntary payments" or "cooperation" provisions of the policy, regardless of  
 10 whether the policy would have otherwise provided coverage for this claim. Defendants' coverage  
 11 counsel is in discussions with the insurer to seek the insurer's agreement to consent to the settlement,  
 12 waive the "voluntary payments" or "cooperation" provisions of the policy with regard to a settlement  
 13 or at least expedite the insurer's coverage determination.

14 The parties wish to avoid incurring attorneys fees and costs that would be rendered  
 15 unnecessary with a settlement. Defendants need a short continuance so they can obtain the insurer's  
 16 response to the issues identified herein without taking any action that might vitiate that coverage.  
 17 Accordingly, the parties respectfully seek a further continuance of certain deadlines in the Court's  
 18 Scheduling Order.

19 The close of fact discovery is currently September 30, 2008. The parties hereby stipulate to  
 20 continue that deadline to October 30, 2008.

21 Expert disclosure is currently September 18, 2008, rebuttal disclosure is October 1, 2008 and  
 22 the close of expert discovery is November 20, 2008. The parties hereby stipulate to continue expert  
 23 disclosure to October 17, 2008, rebuttal disclosure to October 31, 2008 and the close of expert  
 24 discovery to November 26, 2008.

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The parties do not anticipate the need to continue any other Court dates in the Scheduling Order to accommodate resolution of the issues discussed herein, including the Case Management Conference currently set for October 31, 2008.

DATED: August 28, 2008

Respectfully submitted,

# TOWNSEND AND TOWNSEND AND CREW LLP

By: /s/ Veronica Besmer  
VERONICA BESMER  
GREGORY S. GILCHRIST  
Attorneys for Plaintiff  
WILLIAMS-SONOMA, INC.

DATED: August 28, 2008

By: /s/ John H. Mitchell  
JOHN H. MITCHELL  
Attorney for Defendants  
STEPHANIE LAMONS AND URBANISM, INC.

# **GENERAL ORDER 45 ATTESTATION**

I, Veronica Besmer, am the ECF user whose ID and password are being used to file this  
**JOINT STIPULATION AND [PROPOSED] ORDER CONTINUING DEADLINES FOR**  
**CLOSE OF DISCOVERY AND EXPERT DISCLOSURES.** In compliance with General Order  
45, X.B., I hereby attest that John H. Mitchell has concurred in this filing.

/s/ Veronica Besmer

## ORDER

GOOD CAUSE APPEARING THEREFORE, the Scheduling Order is hereby revised such that the close of fact discovery is continued to October 30, 2008, expert disclosure is continued to October 17, 2008, rebuttal disclosure is continued to October 31, 2008 and the close of expert discovery is continued to November 26, 2008.

Dated: \_\_\_\_\_

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**Judge of the U.S. District Court**